IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

FRIDAY, THE 16TH NOVEMBER 2007 / 25TH KARTHIKA 1929

OP.No. 754 of 1999(M)

PETITIONER:

C.K. RAJAPPAN CHETTIAR, S/O. KRISHNAN,
AGED 54 YEARS, WORKING AS CHARGEMAN,
K.S.R.T.C., ERATTUPETTA.

(AGE OF THE PETITIONER IS CORRECTED AS '55' YEARS AS PER ORDER IN CMP 4859/99 DATED 11.2.1999)

BY ADV. SRI.N.UNNIKRISHNAN

RESPONDENTS:
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1. THE KERALA STATE ROAD TRANSPORT CORPORATION,
   TRANSPORT BHAVAN, FORT, THIRUVANANTHAPURAM,
   REPRESENTED BY ITS MANAGING DIRECTOR.

2. THE ASSISTANT TRANSPORT OFFICER,
   K.S.R.T.C.,
   ERATTUPETTA.

BY ADV. SRI.V.BHASKARA MENON, SC, KSRTC
SRI.T.RAVIKUMAR, SC, KSRTC
SRI.JOHN.P.JOHN SC,KSRTC

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 16/11/207, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P. NO. 1289/1999 IN O.P. NO. 754/1999

DISMISSED

16.11.2007 sd/- THOTTATHIL B. RADHAKRISHNAN, JUDGE.

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: TRUE COPY OF MEMORANDUM NO. E1-2401/97-ETPA DAED 27.2.1998.

EXT.P2: TRUE COPY OF THE LETTER DATED 04.03.1998.

EXT.P3: TRUE COPY OF APPEAL DATED 23.3.1998.

EXT.P4: TRUE COPY OF THE ORDER NO. PLE3-26045/98 DATED 30.07.1998.

/True Copy/

P.A to Judge.

THOTTATHIL B. RADHAKRISHNAN , J

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O.P. NO. 754 OF 1999

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Dated this the 16th day of November, 2007.

JUDGMENT

The petitioner was given certain enhancements in his pay, following wage revision agreements. He was allowed to draw the benefits of the options exercised by him. Thereafter, on audit objection, an amount of Rs.10,187/- is ordered to be recovered from him. He challenged it. That was repelled as per Ext.P4 stating that verification of service book would show that the fixation was erroneous. A reading of the impugned Ext.P4 would show that whatever benefit the petitioner had enjoyed by reason of re-fixation is not attributable to any act of the petitioner in being given the benefit of the pay revision. Having regard to the category in which the petitioner had worked, he having entered service as a cleaner, I do not deemed it appropriate to direct the petitioner to repay the amount which he may be bound.

In the result, the writ petition is allowed quashing the impugned decisions. All necessary consequence shall follow.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

rv

THOTTATHIL B. RADHAKRISHNAN, J

O.P. NO. 754 of 1999

16th day of November, 2007

JUDGMENT